



**Subject: By-law 1117/64/81 - Driveway Entrance Construction Provisions**

**To: Council**

**From: Public Works Department**

Report Number: 2021-122

Meeting Date: April 26, 2021

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### **Recommendation:**

That Council approve delegating authority to the Director of Public Works to reduce provisions 3.5.2 and 3.1.1 e) of By-law 1117/64/81 to 3.0m and 1.0m, respectively, for the next 12 months;

That the Director of Public Works be directed to analyze best management practices and bring a draft revision of said by-law to Council by the end of December, 2021; and

That Council grant relief from the specific provisions of the by-law affecting Committee of Adjustment applications A03-21-PC, A05-21-PC, A08-21-PC, and B02-21-PC.

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### **Purpose:**

This report is being written in response to a motion by Councillor Beauregard at the Council Meeting conducted on March 22, 2021. The Councillor requested the Public Works Department review By-law 1117/64/81, pertaining to constructing entrances to municipal roads, and provide a recommendation to Council of proposed changes to said by-law.

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### **Background:**

By-law 1117/64/81 establishes policies and procedures for constructing entrances to municipal roads in the City of Port Colborne. It was approved and passed by the Council on July 27, 1981.

Council has noted that several current applications brought to the Committee of Adjustment have been in contravention of the provisions of this by-law. Rather than

have each applicant appeal to Council to waive the provisions of the by-law individually, Council would like to have staff review the provisions and, if agreeable, provide recommended revisions to the by-law.

The current list of affected applications provided to staff include A03-21-PC, A05-21-PC, A08-21-PC, A09-21-PC, and B02-21-PC.

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## **Discussion:**

Engineering staff regularly reference this by-law when assessing public requests for new or altered driveway entrances to their properties. In recent years, several outdated or unclearly defined provisions have been identified which should be updated or revised.

The Engineering Division would like the opportunity to look into best management practices by obtaining examples of similar by-laws from other municipalities, coordinating with other internal departments, and researching all related construction specifications in order to provide a fully updated by-law. Due to limited staff resources, creating a revised by-law will take some time to complete. It is expected that a draft version of a completely revised by-law could be presented to Council by the end of 2021.

In the interim, in order to address the most commonly encountered issues pertaining to the current form of the by-law, staff recommend that, for the next 12 months, Council reduce the minimum driveway width on an urban road from 5.0m to 3.0m and the minimum offset from a projected lateral property line from 1.5m to 1.0m. These provisions are defined, respectively, as sections 3.5.2 and 3.1.1 e) in By-law 1117/64/81.

To address the specific Committee of Adjustment applications that have been brought to the attention of the Engineering Division, the following recommendations are provided:

A03-21-PC proposes to contravene both the minimum driveway width and the minimum offset from projected lateral property line provisions. This application could be approved if Council accepts staff's recommendations.

A05-21-PC proposes to contravene the provision for minimum distance from an intersection street. Engineering staff have reviewed this application and recommend that Council provide relief from the provision in this case, as the location is isolated, is at a T-intersection, and not a four way stop and sees very little traffic, therefore reducing the potential for any vehicular conflicts.

A08-21-PC proposes to contravene the provision for maximum driveway width of 7.3m. While staff do not recommend increasing the maximum allowable driveway

width in general, it is recognized that certain situations will require relief from this provision. The Engineering Department has reviewed this application and recommend providing relief in this case, due to the unique proposal of the development and current existing and historical conditions that are similar to what is being proposed.

A09-21-PC also proposes to contravene the provision for minimum distance from an intersection street. After assessing the proposed design, the Engineering Division recommend that Council **do not** grant relief to this application as presented. The proposed driveway location for Unit 1 is such that a car backing out could enter the four-way intersection of Fraser Street and Mitchell Street. Staff recommend that this development look into utilizing a rear-access driveway off of Mitchell Street to reduce potential for vehicular interaction and increase safety.

B02-21-PC proposes to contravene the minimum offset from projected lateral property line provision. This application could be approved if Council accepts staff's recommendations.

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### **Financial Implications:**

There are no financial implications.

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### **Conclusion:**

The Engineering Division request a timeline of December 2021, to provide a draft of a completely revised version of By-law 1117/64/81 that will include best management practices and more appropriate specifications for Port Colborne's future density, growth and development. In the meantime, staff recommend that Council reduce the minimum driveway width on an urban road from 5.0m to 3.0m and the minimum offset from a projected lateral property line from 1.5m to 1.0m for the next 12 months in order to address the current issues affecting driveway entrance requests. In addition, the Public Works Department recommend granting relief from the specific provisions of the by-law affecting Committee of Adjustment applications A03-21-PC, A05-21-PC, A08-21-PC, and B02-21-PC.

Respectfully submitted,

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**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.